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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,
Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**STIPULATION
REGARDING AUTHENTICITY OF
DOCUMENTS**

Judge: Honorable Yvonne Gonzalez Rogers

1 Counsel for Plaintiffs and Defendant Google (“Google”) met and conferred to formulate a
2 plan regarding the authentication, the business records exception under Rule 803(6), and
3 admissibility of documents the parties anticipate using at trial; and

4 Plaintiffs and Google have agreed that in order to reduce costs and promote efficiency, the
5 Parties should address the authentication of documents and the business records exception under
6 Rule 803(6) of documents produced by the Parties;

7 BASED ON THE FOREGOING, IT IS HEREBY STIPULATED AND AGREED by and
8 among Plaintiffs and Defendant (the “Parties”), as follows:

9 1. The documents produced by Plaintiffs in this action shall be presumed to be
10 authentic for purposes of Federal Rule of Evidence 901.

11 2. The documents produced by Google in this action shall be presumed to be authentic
12 for purposes of Federal Rule of Evidence 901.

13 3. All documents with the exception of emails and Google Chats produced by Google
14 in this action shall be presumed to be business records under Federal Rule of Evidence 803(6).

15 4. Notwithstanding the above, the Parties reserve their right to contest the authenticity
16 pursuant to FRE 901 and business record status under FRE 803(6) of any document included on
17 each other’s pretrial exhibit list filed in advance of any pretrial conference in this action.

18 5. If a Party intends to contest the authenticity of any document on the other’s pretrial
19 exhibit list or that any document is not a business record under Rule 803(6), the Party shall notify
20 the other Party no later than 21 days after the exchange of their respective proposed exhibit list, or
21 21 days before any trial setting, whichever is earlier. The Parties will then meet and confer in a
22 good faith attempt to resolve the dispute over any challenged document.

23 6. In the event the Parties cannot resolve a dispute regarding the authenticity of a
24 document or an issue of business record status, the Party anticipating the use of the disputed
25 document at trial will be entitled to conduct discovery into the authenticity of the document in
26 question and that the documents are business records under Rule 803(6), subject to any objections
27 any Party may make. The Parties may not object, however, on the basis that such discovery is
28 being taken after the discovery cut-off.

7. If the Parties cannot agree on the need for or extent of such limited discovery, or cannot resolve disputes regarding the sufficiency of responses to such limited discovery, after meeting and conferring, the Party seeking to take the discovery shall file a motion seeking the Court's resolution of the dispute within five days.

The Parties reserve all other objections to the admissibility of documents addressed in this stipulation, including but not limited to objections on the basis of hearsay, Federal Rule of Evidence 402, and Federal Rule of Evidence 403.

DATED: March 8, 2022

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Attorneys for Plaintiffs

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2 **IT IS SO ORDERED.**

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5 DATED: _____, 2022

6 Honorable Yvonne Gonzalez Rogers
7 United States District Judge
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ATTESTATION OF CONCURRENCE

I am the ECF user whose ID and password are being used to file this STIPULATION REGARDING AUTHENTICITY OF DOCUMENTS Pursuant to Civil L.R. 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in the filing of this document.

/s/ Andrew H. Schapiro

Andrew H. Schapiro